

# PATENT COOPERATION TREATY

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 4502-1068	<b>FOR FURTHER ACTION</b>	See item 4 below
International application No. PCT/US2005/000079	International filing date ( <i>day/month/year</i> ) 03 January 2005 (03.01.2005)	Priority date ( <i>day/month/year</i> ) 31 December 2003 (31.12.2003)
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237		
Applicant GREEN PACKET, INC.		

1.	This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).																								
2.	This REPORT consists of a total of 5 sheets, including this cover sheet.																								
3.	In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.																								
3.	<p>This report contains indications relating to the following items:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 20%;">Box No. I</td> <td style="width: 70%;">Basis of the report</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. II</td> <td>Priority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>	<input checked="" type="checkbox"/>	Box No. I	Basis of the report	<input checked="" type="checkbox"/>	Box No. II	Priority	<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/>	Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/>	Box No. VI	Certain documents cited	<input type="checkbox"/>	Box No. VII	Certain defects in the international application	<input type="checkbox"/>	Box No. VIII	Certain observations on the international application
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4.	The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).																								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. +41 22 338 82 70	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Date of issuance of this report 03 July 2006 (03.07.2006)</td> </tr> <tr> <td style="padding: 2px;">Authorized officer  <b>Agnes Wittmann-Regis</b>  e-mail: pt06@wipo.int</td> </tr> </table>	Date of issuance of this report 03 July 2006 (03.07.2006)	Authorized officer  <b>Agnes Wittmann-Regis</b>  e-mail: pt06@wipo.int
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Authorized officer  <b>Agnes Wittmann-Regis</b>  e-mail: pt06@wipo.int			

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

REC'D 27 OCT 2005

PCT WFO PCT

To:  
BENOIT CASTEL  
YOUNG & THOMPSON  
745 SOUTH 23RD STREET  
ARLINGTON, VA 22202

## WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

25 OCT 2005

Applicant's or agent's file reference

4502-1068

Date of mailing  
(day/month/year)

FOR FURTHER ACTION

See paragraph 2 below

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US05/00079

03 January 2005 (03.01.2005)

31 December 2003 (31.12.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): G06F 15/16; B61G 3/00; B61G 1/00; H04K 1/02 and US Cl.: 709/217-219; 713/138, 170, 200, 201; 380/252; 725/25

Applicant

GREEN PACKET, INC

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

### 2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Facsimile No. (703) 305-3230

Authorized officer

KIEU-OANH BUI

Telephone No. 571-272-7291

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/00079

**Box No. I Basis of this opinion**

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US05/00079

**Box No. II Priority**

1. ☐ The following document has not yet been furnished:

☐ copy of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rules 43*bis*.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☒ This opinion has been established as if no priority has been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

The priority claim has been found invalid because the filing date of the priority application is outside the time period provided in PCT Rule 4.10.

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY

International application No.  
PCT/US05/00079

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>NONE</u>	YES
	Claims <u>1-11</u>	NO
Inventive step (IS)	Claims <u>NONE</u>	YES
	Claims <u>1-11</u>	NO
Industrial applicability (IA)	Claims <u>1-11</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-11 lacks novelty under PCT Article 33(2) as being anticipated by Pradhan et al (US Patent Pub no. US2004/0235521 A1).

Regarding claim 1, Pradhan discloses a method of managing the rights to digital media as exchange digital media are encrypted with keys and the user is allowed to access the digital media as the network system detects license information for authorization such access, and the user without proper authorization does not allow to access in order to avoid the possible theft of digital rights (Figs. 4-5, and page 1, par. 0005, par 0007 ; page 2/par. 0028 ; page 3/par. 0034, page 3/par. 0036-0038).

As for claims 2 and 3, Pradhan discloses the digital media rights is applicable to users at anywhere connected to the network and the digital media is a program running on the network (Fig. 4 to network 450 or as in prior art of Fig. 1 to the Internet, and page 3/par. 0036-0039 for the hotspot 400 connected to the network and computer system running on the network).

As for claim 4, Pradhan discloses the license for digital media rights must be purchased or the user can not access/authorize to use the digital media in the network (page 3/par. 0034).

As for claim 5, Pradhan discloses the further steps of generating a unique license code, verification code, and encrypting the code and further dispersed with the media (page 3/par. 0034, page 3/par. 0037-0038 with decryption keys for encrypted media files, again the user must have (purchase) the access right to access an associated media file before getting to an encrypted media file).

As for claims 6 and 7, Pradhan shows the generating of a user code from encrypted code and is embedded in a multimedia or disc (page 3/par. 0041 as a digital token is transmitted to the media card, and refer to page 3/par. 0037 for multimedia files are encrypted and they need decryption keys to unlock the multimedia files).

As for claims 8-11, these claims for a computer program for running a user agent of digital media such as a program applied the above method lacks novelty under PCT Article 33(2) as being anticipated by Pradhan et al (US Patent Pub no. US2004/0235521 A1) as discussed in claims 1-7 above.